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MORAL THEOLOGY

SLATER, S. J.



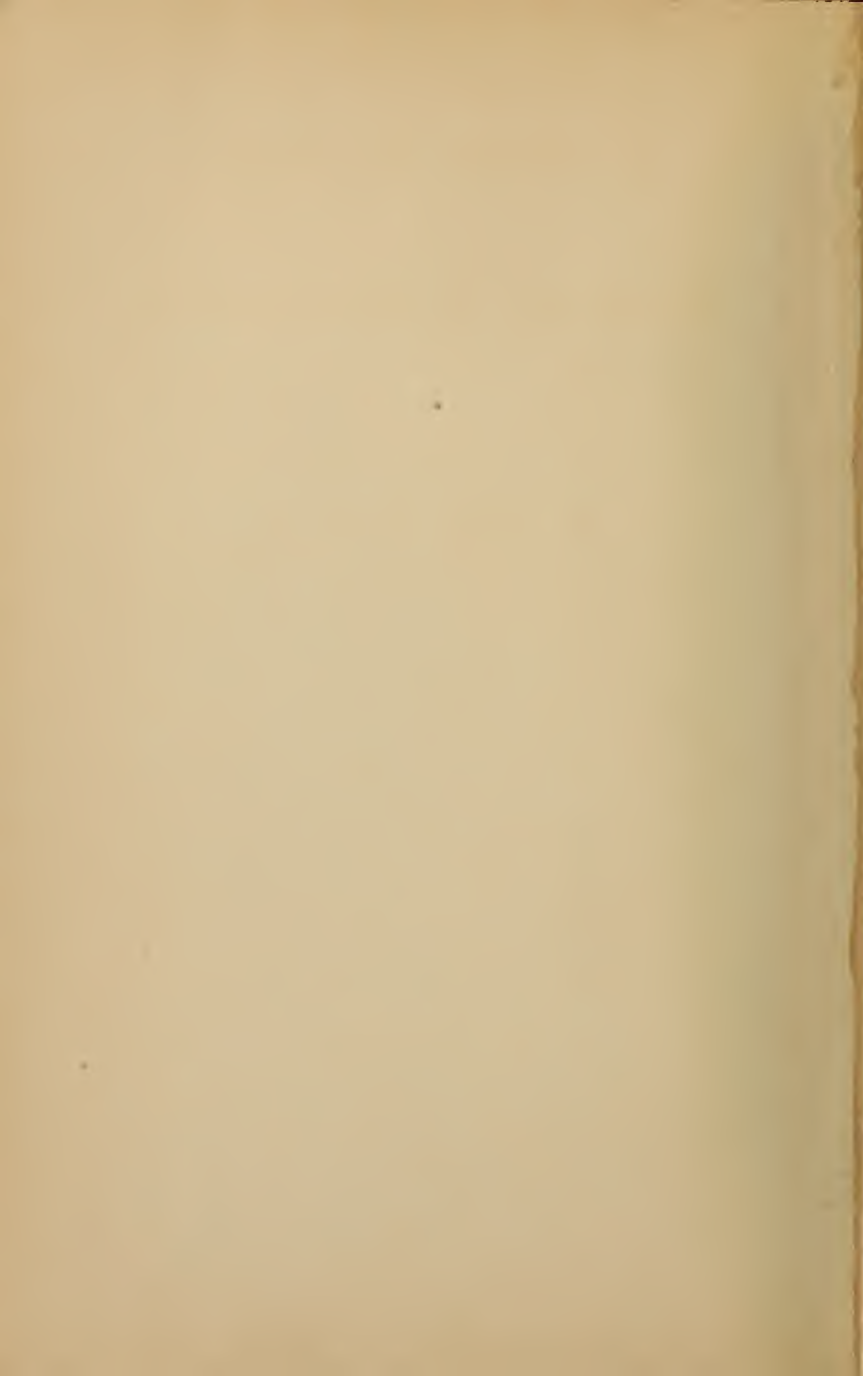
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A SHORT HISTORY
OF
MORAL THEOLOGY

BY

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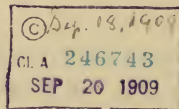
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A SHORT HISTORY OF MORAL THEOLOGY

ETHICS has a special place in the Christian religion. Lactantius, writing under the Emperor Constantine, points out this fundamental difference between paganism and the true religion. Pagan religion, he says, is concerned only with external rites and ceremonies performed in honor of the gods; it gives no precepts of righteousness and virtue; it does not form and cultivate men's characters.¹ On the other hand, ethics forms an essential part of the Christian religion. Christ was called Jesus because He came among us to save us from our sins. This He did not only by atoning for them, but by His example, His teaching, and His grace He showed us how to lead good lives and enabled us to do it. He came to do and to teach, so that not only His words but His actions, too, were lessons to us in conduct. He proposed Himself to us as the Way by which we should walk; He bade us follow His example; He taught us to learn of Him meekness, humility, and all virtues. In Him God, our Creator and Lord, was revealed to us; He is our first beginning and last end. To Him we must refer and order our whole lives and our every action. We are His stewards, and when life comes to an end each of us will be called upon to render a strict account to Him, as our judge, of every thought, word, and action of

¹ De Divinis Instit., iv, c. 3.

our lives. Heaven will be the reward of the faithful servant, eternal suffering in hell will be the just punishment of the wicked.

Before finally quitting the earth Our Lord founded His Church, a hierarchical society of men, to continue the work which He had begun for the sanctification and salvation of the whole human race. His last solemn commission to His apostles was a command to teach men to observe all that He had commanded; certain truths had been revealed to them concerning God, as well as moral rules for their guidance, but even the truths concerning God were not merely speculative; they, too, were revealed for the sanctification and salvation of men. A duty of submission of the intellect, under pain of eternal damnation, was laid on all who heard the Gospel preached. The basis of Christian morality thus rests firmly established on the word of God, requiring unwavering faith, not on the uncertain and shifting sands of human opinion. That Gospel contained not only moral precepts which are obligatory on all, but counsels also of great perfection which those who had the moral strength were encouraged to adopt as rules for the conduct of their lives. The perfect holiness of God Himself was held up as the model which they were to imitate and the lofty ideal at which they were ever to aim.

This revelation of Christ was committed to the Church as a sacred deposit to be faithfully kept, guarded from all admixture of error, and diligently preached to men for their instruction, guidance, sanctification, and salvation. The Catholic Church has always understood that this was the object of her foundation by Jesus Christ. That was her mission, to preach the Gospel, to keep the deposit of faith, to teach what Christ had revealed, and not to allow

it to be changed or corrupted even by an angel from heaven. It is the boast of the Catholic Church that by the assistance which Christ promised her, through the constant guidance of the indwelling Spirit of Truth which He sent down upon her, she has faithfully accomplished her task. In spite of enemies within and without, in defiance of the hostile powers of hell and of the unbelieving world, she has persisted through the ages in preaching in season and out of season the divine revelation which was committed to her faithful keeping. At first sight it might seem that no history of such a system of doctrine is possible. History is the scientific narration of the varying fortunes and changes which befall the subject of it. What history can there be of a system of doctrine which has always been the same?

The Christian revelation as taught by the Catholic Church does indeed always remain the same in itself, objectively, as it was completed when the last of the apostles died. This revelation, and nothing else, the Church was commissioned to keep and to preach to the end of time for the salvation of men. It is the Church's greatest boast, as it is her highest claim to our gratitude, that she has ever preserved unsullied through the ages the divine teaching of Jesus of Nazareth. No man ever taught like Him. The moral doctrine which He inculcated by word and by deed is the loftiest ideal of conduct which has ever been manifested to the world. It cannot be improved upon, and it is impious to attempt to change it. The Catholic denies that it has been changed in the Catholic Church. Non-Catholic historians of Christian morals profess to discover instances of change, but this is due to their own philosophical or religious presuppositions. Thus when the Lutheran Dr. Luthardt discovers in the "Didaché,"

written as he acknowledges at the end of the first century, "the beginnings of a false view of works,"¹ we reply that the same view of works appears in the documents that make up the New Testament, and that it is not false. Lecky discovered a change of view as to the lawfulness of taking human life when Christianity became the official religion of the Roman Empire.² In proof of this he quotes Lactantius and one or two other Fathers who held that it is never lawful to take human life. It would not be difficult to quote instances of Christian writers up to our own days who have held the same doctrine, and one might deduce therefrom an argument to show either that Christian morality had progressed, or deteriorated, or had remained stagnant for nineteen centuries, according to the exigencies of one's philosophical system. Harnack discovers the sources of Catholic monachism in the writings of St. Methodius.³ The Catholic sees them writ large in the Gospel of St. Matthew.

These instances will show why the Catholic cannot accept the accounts of growth, change, and decay which are given in many so-called histories of Christian morals. Nevertheless, he allows that there is a progress and development which admits of being traced historically. The Catholic Church has always been explicit on this point. After teaching that the revealed doctrines of the Faith were not proposed by God to man's intellect to be improved upon like some philosophical system, but were committed to the Church as a divine deposit to be faithfully kept and infallibly explained, the Council of the

¹ History of Christian Ethics, p. 117.

² History of European Morals, ii, p. 42.

³ History of Dogma, iii, p. 110.

Vatican could find no better terms in which to describe true development of that doctrine than those which had been used by St. Vincent of Lerins in the fifth century.

"Therefore," it says, "let the understanding, knowledge, and wisdom of each and of all, of individuals as well as of the whole Church, increase and make much and great progress through the ages and the centuries; but only in its own line, that is, in the same truth, in the same sense, and in the same thought."¹ Change in Christian dogma and moral we refuse to accept or to acknowledge; we readily admit that there has been and ought to be development. The precepts of Christian morality have not always been equally well understood; what was obscure and uncertain has been made more clear and certain. The existence of different conditions, circumstances, and wants, in different ages and countries, necessitated some change in the adjustment of the teaching to the varying surroundings. New duties arose from new positive legislation. Besides, the science of Christian morals is not a mere exposition of the moral precepts of the Gospel and of the positive legislation of the Church. Books have been written containing such an exposition in the very words of Scripture, like the "*Speculum*" of St. Augustine, and the "*Scintillæ*" attributed to Venerable Bede,² but such as these are not works of moral theology. The science of moral theology arranges its subject-matter in an orderly and logical way; it shows the grounds and the reasons of the doctrine, it harmonizes part with part so as to form a compact and systematic body of doctrine. All this is the work of time and of many minds, and it admits of his-

¹ Vatican, sess. iii, c. 4.

² Migne, P. L. 88, 598.

torical treatment. In the brief space at our disposal we propose to trace at any rate the chief stages in the development of Catholic moral theology. Our history may conveniently be divided into three periods; the first will embrace the age of the Fathers, the second that of the scholastics, the third will be the modern period.

SECTION I

The Patristic Period

The end for which Jesus Christ established His Church was the sanctification and salvation of souls. This end the Church was to obtain chiefly by preaching the Gospel which her Founder had revealed and by administering the sacraments which He had instituted.¹ Men were to be sanctified and prepared for eternity by holy living through the grace of God communicated to them principally by means of the sacraments. The Gospels contain a short summary of the general teaching of Jesus Christ; this is developed somewhat in certain directions in the other writings of the New Testament, but the preachers of the Word soon found it convenient to have by them brief summaries of the moral teaching of Our Lord by itself. This need was met by such works as the "Didaché," or "Teaching of the Twelve Apostles," composed about the end of the first century, and the "Pastor" of Hermas, written a little later. It would be utterly impossible to give even an outline of the ethical works of all the Fathers of the Church. Together they form a very voluminous and complete course of moral theology, and more than one such

¹ Matt. xxviii. 19, 20.

course has been put together by simply printing a consecutive selection of their works. Thus in 1791 an Italian priest, Angelo Cigheri, published at Florence his "*Veterum Patrum Theologia Universa*," in thirteen volumes quarto, of which the three last are devoted to morals. A fairly complete catalogue of ethical works by the Fathers will be found in the indices of Migne's "*Patrology*," arranged under the separate headings which figure in our modern manuals of moral theology. All that we can do here is to select a few typical works which exhibit the gradual development of the science of Christian Ethics. The "*Didaché*" may be looked upon as the first handbook of morals which has come down to us, and it will be worth while to give a short analysis of its contents.

This first handbook of moral theology begins with the first general principle of ethics. All righteousness is summed up in the general precept to avoid evil and do good. The doing of good consists of the observance of the two great commandments of love for our God and for our neighbor. The golden rule is added to the statement of the general first principles of morality. "There are two ways," we read, "one of life and one of death; and there is much difference between the two ways. Now the way of life is this: First thou shalt love God that made thee; secondly, thy neighbor as thyself; and all things whatsoever thou wouldest should not happen to thee, neither do thou to another." The rest of the first chapter is occupied with a development of the precept of love for our neighbor, expressed for the most part in the language of the Sermon on the Mount. The second chapter enumerates some of the principal negative duties toward our neighbor. A similar enumeration occupies the third

chapter, but here there is an attempt to give the reason for the different prohibitions, as, for example: "Be not prone to anger, for anger leads to murder; neither a zealot, nor contentious, nor passionate; for from all these things murders are begotten." In the fourth chapter are set down the duties toward preachers of the Gospel, of making peace, of judging righteously, of almsgiving; duties toward parents, children, servants; of avoiding hypocrisy, and not adding to or taking away from the precepts of the Lord which they had been taught. The chapter concludes with, "This is the way of life."

The fifth chapter consists of a long enumeration of sins, and ends with the prayer, "May ye be delivered, children, from all these."

In the sixth chapter there is a warning against being led away from this teaching by any one, for such a one would not teach according to God. A distinction is drawn between what is required for perfection and what is morally possible. The faithful are bidden specially to beware of what has been sacrificed to idols.

A brief instruction on Baptism occupies the seventh chapter, and in the eighth Christians are taught to fast on Wednesdays and Fridays, so that their fasting-days may be different from those of the Jews, who fasted on Mondays and Thursdays. They are told to say the "Our Father" three times a day. The ninth and tenth chapters give instructions on the celebration of the Eucharist, while the two following deal with the way in which prophets and strangers should be received. The thirteenth chapter prescribes the offering of first-fruits. In the next chapter the faithful are instructed to meet together on every Lord's Day, to offer the Eucharistic Sacrifice, after confessing

their sins, so that their sacrifice may be pure. Enemies, too, should be reconciled lest the sacrifice be defiled. It was of this sacrifice that Malachias prophesied. The fifteenth chapter deals with the election of bishops and deacons and the respect which is due to them. The duties of fraternal correction, of prayer and almsdeeds, are enjoined as they are contained in the Gospel of Our Lord. The last chapter contains an exhortation to watch, and inculcates the necessity of faith and perseverance, for Antichrist will appear and seduce many. The treatise concludes with a short description of the signs of the last day.

The whole of the second Book of the "Pastor" of Hermas is a document of early Christian moral teaching very similar to the "Didaché," but more attempt may be observed in it to show the connection between one prohibition and another, and to give reasons and motives for their observance.

A great advance is observable in the catechetical works of Clement of Alexandria. They are almost exclusively devoted to moral teaching, which their learned author illustrates and confirms by constant quotations from the Greek classical authors. With an enthusiastic and personal love for Jesus Christ, and faith in His teaching as a divine and full revelation of the truth to men, he combines a high esteem for reason and philosophy. According to Clement, philosophy was the pedagogue of the pagan world, preparing it for Christ and leading it to Him, as the law did the Jews. Philosophy is the handmaid of theology, he says, and the dictates of reason are but the promptings of the Word which illuminates every man that cometh into the world. This, of course, is but a development of ideas which we find in the Scriptures of the Old and New

Testament, and it is a natural consequence of Christian teaching concerning God and His relation to man and to the world. It is a very superficial view which regards the action of Clement and other Fathers in the use they made of reason and philosophy as a corrupting influence in Christian teaching. With them, as with the scholastics in the Middle Ages, that action was the necessary result of a firm faith in the Gospel message, and the natural desire to understand it and penetrate its full meaning as far as possible. It was *Fides quærens intellectum*, the moving spirit of Catholic theology from the beginning. Better than any lengthy exposition, an extract or two from Clement will show how far the science of moral theology had progressed at the end of the second century. The following extract is taken from an apologetic work entitled "An Exhortation to the Heathen."

"Wherefore, since the Word Himself has come to us from heaven, we need not, I reckon, go any more in search of human learning to Athens and the rest of Greece, and to Ionia. For if we have as our teacher Him that filled the universe with His holy energies in creation, salvation, beneficence, legislation, prophecy, teaching, we have the Teacher from whom all instruction comes; and the whole world, with Athens and Greece, has already become the domain of the Word. For you, who believed the poetical fable which designated Minos the Cretan as the bosom friend of Zeus, will not refuse to believe that we who have become the disciples of God have received the only true wisdom; and that which the chiefs of philosophy only guessed at, the disciples of Christ have both apprehended and proclaimed." ¹

¹ Exhortation to the Heathen, c. 11.

The next extract from the "Pædagogus," a work containing instructions for recent converts, shows the place which reason or conscience holds in Christian ethics.

"Everything that is contrary to right reason is sin. Accordingly, therefore, the philosophers think fit to define the most generic passions thus: lust, as desire disobedient to reason; fear, as weakness disobedient to reason; pleasure, as an elation of the spirit disobedient to reason. If, then, disobedience in reference to reason is the generating cause of sin, how shall we escape the conclusion that obedience to reason, — the Word, — which we call Faith, will of necessity be the efficacious cause of duty? For virtue itself is a state of the soul rendered harmonious by reason in respect to the whole life. Nay, to crown all, philosophy itself is pronounced to be the cultivation of right reason; so that, necessarily, whatever is done through error of reason is transgression, and is rightly called sin."¹

The "Stromata," or "Miscellanies," are a collection of materials for the ethical instruction and training of the Christian theologian. The philosophical and theological detail to which Clement descends in the treatment of his subject may be illustrated by an extract from the fourteenth chapter of the second Book of the "Stromata," on the different ways in which an act may be involuntary. The matter of course belongs to the treatise on Human Acts, sometimes said to be the last treatise which was added to our manuals of morals.

"What is involuntary is not matter for judgment. But this is twofold — what is done in ignorance, and what is done through necessity. For how will you judge concerning those who are said to sin in involuntary modes? For either

¹ Pædagogus, i, c. 13.

one knew not himself, as Cleomenes and Athamas, who were mad; or the thing which he does, as Æschylus, who divulged the mysteries on the stage, who being tried in the Areopagus was absolved on his showing that he had never been initiated. Or one knows not what is done, as he who has let off his antagonist, and slain his domestic instead of his enemy; or that by which it is done, as he who in exercising with spears having buttons on them, has killed some one in consequence of the spear throwing off the button; or knows not the manner how, as he who has killed his antagonist in the stadium, for it was not for his death but for victory that he contended; or knows not the reason why it is done, as the physician who gave a salutary antidote and killed, for it was not for this purpose that he gave it, but to save.”¹

As yet no attempt had been made in the Church to write a systematic treatise of morals by reducing the various virtues and vices to logical order under appropriate general principles. This step was taken by St. Ambrose at the end of the fourth century. This great Father and Doctor of the Church composed his work “*De Officiis*” for the instruction of the clergy of his church of Milan. He expressly tells us that he followed Cicero’s work with the same title as his pattern. Cicero wrote his book for the instruction of his son; St. Ambrose desired to write for the instruction of his spiritual children. Although he followed Cicero closely in the arrangement and treatment of the matter, yet he never loses sight of what appears to have been the chief motive that he had in view in the composition of his work; namely, to demonstrate the superiority of Christian over pagan ethics.

¹ *Stromata*, ii, c. 14.

The work is divided, like Cicero's, into three Books. In the first he treats of what is honorable and dishonorable. He points out that the philosophic distinction between ordinary and perfect virtue has its counterpart in the Gospel, which distinguishes between what is matter of strict precept and of counsel. Certain elementary duties, as those toward parents and elders, are touched on, and then follows a discussion on the four cardinal virtues. The second Book treats of what is expedient with reference to eternal life. The third Book treats of what is honorable and expedient in conjunction, and the author has no difficulty in reconciling these conflicting principles according to Christian teaching. "For," he writes, "I said that nothing can be virtuous but what is useful, and nothing can be useful but what is virtuous. For we do not follow the wisdom of the flesh, whereby the usefulness that consists in an abundance of money is held to be of most value, but we follow the wisdom which is of God, whereby those things which are greatly valued in this world are counted but as loss. For this *κατόρθωμα*, which is duty carried out entirely and in perfection, starts from the true source of virtue. On this follows another, or ordinary duty. This shows by its name that no hard or extraordinary practice of virtue is involved, for it can be common to very many."¹ This principle of perfection is then applied to the pursuit of gain and other questions.

A very famous book of morals, somewhat more restricted in scope than the "*De Officiis*" of St. Ambrose, is the "*Pastoral Care*" of St. Gregory the Great. This, together with the same author's "*Morals*" on Job, was a favorite

¹ *De Officiis*, iii, c. 2.

textbook in the Middle Ages. It lays down the qualities required in those who have the cure of souls, how they themselves should live, how they should instruct and admonish those subject to their authority. The book was brought to England by St. Augustine and translated into English by King Alfred for the benefit of the bishops and priests of his kingdom.

A word must here be said on Christian asceticism, which has been so utterly misunderstood and misrepresented by such writers as Lecky and Harnack, and whose true relation to Christian morals is so seldom perceived by non-Catholic authors.

Christ our Lord expressly taught that renunciation of self, of the world with its riches and pleasures, was in a certain sense a necessary condition of discipleship. This renunciation, however, admitted of different degrees, as is also plain from the Gospels. Some were called only to spiritual poverty and detachment, and these hoped to save their souls by remaining in the world without being of it. Outwardly they lived much like other people, but their affections were detached from this world and centered on God and eternity. They went to heaven by the way of the commandments. Others, on the contrary, voluntarily embraced the counsels of poverty, chastity, and obedience, given by Our Lord to those who were called, and who felt that they had the spiritual strength to follow the call. They made a special profession of following the counsels, and were assigned a place of honor in the Christian assemblies, but at first they seem to have lived in the bosom of their families. They soon, however, began to find it very difficult to persevere in their adopted form of life while exposed to the distractions and temptations of the world,

and this, together with the violence of the persecutions, drove them into the desert. There they lived at first solitary lives as hermits, but before long they began to come together and put themselves under the authority of some ancient Father of the desert renowned for his prudence and sanctity. Their aim was to subdue their passions and ascend the heights of Christian perfection. The task is notoriously difficult both in theory and in practice, and many mistakes were made. The Church had not yet drawn up her minute code of laws for the regulation of religious life. Those writers, however, who industriously pick out the mistakes and the exaggerations of indiscreet fervor, and piece them together to produce a picture of Christian monachism and asceticism, only succeed in producing a caricature. To convince oneself of this it is sufficient to dip into the "Institutes of Monasteries" and the "Conferences" of Cassian, who was in the middle of a long life in the year 400. In the twelve Books of his "Institutes" Cassian describes the dress of the monks, their method of singing the divine office, the training of postulants and novices, and then he devotes the last eight Books to a minute account of the nature, causes, and remedies of the eight principal vices which bar the way to the summit of Christian perfection. He maps out every portion of the pilgrim's progress to his heavenly country, and shows what dangers and obstacles he will meet by the way. In brief, he says, progress toward perfection begins with the fear of God, from which arises a salutary sorrow for sin, which leads to renunciation and contempt of the world; this begets humility, from which springs mortification of the will, and by this all vices are subdued and extirpated. Then all virtues begin to flourish in the soul, which thus

arrives at purity of heart and the perfection of apostolic charity.¹

The vices to be overcome are classed under eight different heads by Cassian, and he says that the classification was admitted by all.² These principal or capital vices are typified by the seven peoples whom the Israelites were commanded by God to extirpate when they came into the land of promise. Egypt makes the eighth from which they had been delivered, and which, Cassian says, typifies gluttony. From this vice the monk is indeed delivered by his abandoning the world for the desert, but he may not extirpate it altogether; he should aim only at curbing its excesses. Gregory the Great adopted in substance the teaching of Cassian on the capital vices, but by making pride the queen of all the rest, and placing it in a category by itself, the other seven became the seven deadly sins which with their daughter vices were so famous in the literature of the Middle Ages, and figure in the books of morals and in the catechisms of Christian doctrine to the present day.

To show how conservative the Catholic tradition has been even in the expression of doctrine I will give the following passage in St. Gregory's own words:

"*Ipsa namque vitiorum regina superbia cum devictum plene cor ceperit, mox illud septem principalibus vitiis, quasi quibusdam suis ducibus devastandum tradit. Quos videlicet duces exercitus sequitur, quia ex eis proculdubio importunæ vitiorum multitudines oriuntur. Quod melius ostendimus, si ipsos duces atque exercitum specialiter, ut possumus, enumerando proferamus. Radix quippe cuncti mali superbia est, de qua, Scriptura attestante, dicitur:*

¹ *De Cœnobiorum Institutis*, lib. iv, c. 43.

² *Collatio* v, c. 18.

Initium omnis peccati est superbia (*Ecclus.* x. 15). Primae autem ejus soboles, septem nimirum principalia vitia, de hac virulenta radice proferuntur, scilicet inanis gloria, invidia, ira, tristitia, avaritia, ventris ingluvies, luxuria. Nam quia his septem superbiæ vitiis nos captos doluit, idcirco Redemptor noster ad spirituale liberationis prælium spiritu septiformis gratiæ plenus venit.

“Sed habent contra nos hæc singula exercitum suum. Nam de inani gloria inobedientia, jactantia, hypocrisis, contentiones, pertinaciæ, discordiæ, et novitatum præsumptiones oriuntur. De invidia, odium, susurratio, detractio, exultatio in adversis proximi, afflictio autem in prosperis nascitur. De ira, rixæ, tumor mentis, contumeliæ, clamor, indignatio, blasphemiam proferuntur. De tristitia, malitia, rancor, pusillanimitas, desperatio, torpor circa præcepta, vagatio mentis erga illicita nascitur. De avaritia, proditio, fraus, fallacia, perjuriam, inquietudo, violentiæ, et contra misericordiam obdurations cordis oriuntur. De ventris ingluvie, inepta lætitia, scurrilitas, immunditia, multiloquium, hebetudo sensus circa intelligentiam propagantur. De luxuria, cæcitas mentis, inconsideratio, inconstantia, præcipitatio, amor sui, odium Dei, affectus præsentis seculi, horror autem vel desperatio futuri generantur. Quia ergo septem principalia vitia tantam de se vitiorum multitudinem proferunt, cum ad cor veniunt, quasi subsequenti exercitus catervas trahunt. Ex quibus videlicet septem quinque spiritalia, duoque carnalia sunt.”¹

The “Conferences” of Cassian are represented by him as the teachings of celebrated abbots on various questions of the spiritual life. They are partly speculative, partly practical. There are twenty-four in all, each being divided

¹ *Moralium*, lib. xxxi, c. 45.

into a greater or less number of chapters. These two works have provided an ample store of moral and ascetical doctrine for all subsequent Catholic writers on the subjects treated in them.

A large portion of moral theology is taken up with the duties arising from the positive legislation of the Church. In this legislation we have the practical application of Christian moral principles to the varying requirements of time and place, and change and variety are here conspicuous. With the establishment of the Christian religion the positive precepts of the Mosaic law ceased to be binding, but the Church received from her divine Founder authority to make new laws for the sanctification and salvation of her children. The apostles used this legislative authority, as we see from the Epistles of St. Paul, especially from those to Timothy and Titus, and within twenty years after the Ascension we find them legislating in the Council of Jerusalem on the disputed question of legal observances. The decree which we have in the Acts¹ was a true positive law imposing a new obligation on the faithful concerned, as long as the peculiar circumstances of the time rendered its observance desirable and necessary.² This council of the apostles formed the type and pattern for the ecumenical and provincial councils of the Church which were to be held in the future. Innumerable laws and regulations have been enacted by these, affecting Catholic life, discipline, and worship. The Bishops, too, as successors of the apostles have continued in all ages to exercise the legislative authority committed to them by God and the Church. The Roman Pontiffs, especially, in the exercise

¹ Acts xv. 28, 29.

² It ceased to bind in the Latin Church about the ninth century.

of their jurisdiction over the whole Church in succession to Blessed Peter, have in all ages made wise laws for the peace and prosperity of the Christian people. As instances of this action of the Popes in the early centuries may be mentioned St. Clement's first epistle to the Corinthians in the first century, St. Victor's decision about the observance of Easter in the second century, St. Stephen's about the baptism of heretics in the third, and similar action on the part of Popes Liberius, Damasus, and Siricius. Subsequently papal decisions became frequent and notorious. Collections of the decisions issuing from all these sources of positive law began to be made in very early times. Of these some have survived the ravages of time. The "Didascalia of the Apostles" may in the judgment of the learned be ascribed to the first half of the third century, and the so-called "Constitutions of the Apostles" together with the "Canons of the Apostles" to the early part of the fifth century. The materials of which these collections are composed are, of course, still more ancient. At the beginning of the fourth century the decrees of the councils were collected and arranged at first in chronological order in the East. At the beginning of the sixth century systematic collections arranged under suitable titles began to appear. Of these early collections of canons the most celebrated is that of John the Scholastic. In the West, Dionysius Exiguus made his translation of Greek canons into Latin about the year 500. A copy of this collection was presented by the Pope to Charlemagne when he was in Rome, and he caused it to be received and approved by the clergy of his empire in 802 at the great Council of Aix la Chapelle. Collections of Church laws continued to grow in number and in bulk until in the twelfth century the monk Gratian

issued his "Decretum" which became the most famous of them all, and still forms the first volume of the "Corpus Juris Canonici." It contains some 4000 decisions on law and morals taken from the decrees of Popes, the canons of councils both general and particular, the opinions of the Fathers, and even from the civil law.

No attempt of course can be made in this short sketch to trace the varying phases through which the innumerable positive laws of the Church have passed. It will be sufficient for our purpose to trace in outline those chief precepts which bind all Catholics and which are specially known as the precepts of the Church. They are usually reckoned six in number: the due observance of Sundays and feast-days, the days of fasting and abstinence, confession and communion, the support of pastors, and the prohibition of marriage within certain degrees of kindred and of its solemnization at certain times of the year.

The observance of the Sunday and its substitution for the Sabbath appears to be due to apostolic institution. There are traces of it in the New Testament; in the "Didaché" the faithful are bidden to come together on the Lord's Day, as it was called even then in honor of the Resurrection, and offer the eucharistic sacrifice after confessing their sins. In the second century the custom of observing the Lord's Day was universal throughout the Church. The chief duty to be performed on that day was to hear Mass. Very soon particular provincial laws began to be enacted urging the obligation and imposing penalties on transgressors. At the beginning of the fourth century the Council of Elliberis in Spain decreed that any one who might be absent from Mass on three successive Sundays should be deprived of communion. The Council of Agde

at the beginning of the sixth century prescribed that all were to hear an entire Mass on Sunday and not leave until after the blessing of the priest on pain of a public reprehension by the Bishop.

It was natural that when Sunday became the Christian Sabbath it should be kept much in the same way as the Jews kept their Sabbath. While knowing from the teaching of Our Lord Himself that pharisaic exaggeration was to be avoided in this matter, and from St. Paul that the sabbatical rest was no longer of obligation, still St. Cæsarius of Arles in the sixth century expressly says that the Doctors of the Church decreed to transfer all the honor of the Sabbath to the Lord's Day. The very necessity of hearing Mass on that day made a certain abstention from work also necessary. Tertullian testifies to the Christian custom of his day in this respect. Constantine prescribed that judges and artisans in towns should abstain from work on the Sunday, but that agriculture should be allowed on account of necessity. The strictness with which the Sunday repose was observed varied somewhat according to time and place in the period with which we are dealing.

Besides the Sunday other feast-days began gradually to be observed in the same manner by hearing Mass and abstaining from servile work. Easter and Pentecost were assigned to movable Sundays, but the days on which renowned martyrs suffered for the Faith, those on which churches were dedicated, Ascension Day, Christmas Day, and the Epiphany, were soon added to the list. The letter of the Church of Smyrna concerning the martyrdom of St. Polycarp in the middle of the second century expresses the intention of celebrating the anniversary of the day of mar-

tyrdom with joy, both in memory of those who had suffered and as a preparation for those who survived.¹

As the Christian Church took over the Jewish Sabbath but changed the day on which it was observed and rejected the exaggerations of the Pharisees in its observance, so, too, it adopted the Jewish practice of fasting at stated times. As we have seen from the "Didaché" the fast of Monday and Thursday was changed into one on Wednesday and Friday. The obligation of fasting on all Wednesdays and Fridays ceased almost entirely about the tenth century, but the fixing of those days by ecclesiastical authority for fasting, and the desire to substitute a Christian observance at Rome for certain pagan rites celebrated in connection with the seasons of the year, seem to have given rise to our Ember Days. In the time of St. Leo, in the middle of the fifth century, the Ember Days were a settled institution, though the time at which they fell varied somewhat at different times and in different places.

The earliest indication that we have of the fast of Lent is contained in a short extract from Irenæus which has been preserved for us by Eusebius.² Writing to Pope Victor about the middle of the second century, St. Irenæus says that the controversy in the East was not merely about the proper time of celebrating Easter but also about the manner of fasting. "For some think," he says, "that they ought to fast only one day, some two, some more days; some compute their day as consisting of forty hours night and day; and this diversity existing among those that observe it is not a matter that has just sprung up in our times, but long ago among those before us, who perhaps not having ruled with

¹ Cf. A. Villien, *Histoire des Commandements de l'Église*, 1909.

² *Historia ecclesiastica*, v, c. 24.

sufficient strictness, established the practice that arose from their simplicity and inexperience, and yet with all these maintained peace, and we have maintained peace with one another; and the very difference in our fasting establishes the unanimity of our faith." At the time this was written the Lenten fast was obviously very short, and there was no uniformity even in its duration. Tertullian, fifty years later, refers to the Lenten observance as the fulfillment of the words of Our Lord: "But the days will come when the bridegroom shall be taken away from them — then shall they fast in those days."

The first allusion to a period of forty days' fast occurs in the fifth canon of the Council of Nicæa (325). In the time of St. Leo in the fifth century the period was sufficiently well established to be referred by him to apostolic institution. The period was six weeks, but omitting Sundays the actual fasting days were only thirty-six in number. The four days before the first Sunday of Lent were added sometime in the seventh century. The fasts assigned to certain vigils arose from the practice of the early Christians of assembling on the eve of a feast and spending the night in prayer, fasting, and reading the Scriptures. By degrees matins took the place of the night office, and the vigil office was moved back to the Saturday morning, as we see to this day from the morning office of Holy Saturday. The fast was thus prolonged through the Saturday till after the morning office of the feast of next day.

The fast which used to be observed on the rogation days took its rise in France at the close of the fifth century and by degrees spread to other Churches. The interrupted fast of Advent was introduced as a preparation for Christmas toward the end of the fourth century. The manner of

fasting has varied greatly at different times and in different places. At first the fast seems to have been absolute and continuous. During the days of the bridegroom's absence the faithful neither ate nor drank anything. When the period was lengthened such a total fast became impossible, but at least in the East food was restricted on fast days to one meal of bread, salt, and water, taken in the evening, or at least not before three in the afternoon. In the time of St. Gregory fish was allowed at the single meal in the West. Flesh meat was never allowed on fasting days.

The essence of fasting is still placed by theologians in the single meal, but many relaxations have crept in by degrees. The monks while listening to a *Collatio* of Cassian before going to bed introduced the practice of drinking an acidulated liquor called *posca*. By degrees fruits and lighter kinds of food in limited quantity were added, and when about the thirteenth century the full meal began to be taken at twelve midday, the evening collation became an established practice.

In the thirteenth century it was an accepted principle that liquid does not break the fast, and this became the source of another relaxation. A little wine, or coffee, or chocolate, was taken sometimes in the morning, with candied fruits (*electuaria*) on occasion. The practice was not condemned when the Sacred Penitentiary was asked about it in 1843, provided that the solid food taken then did not exceed two ounces in weight.

At first all seem to have fasted except children and those who were sick. St. Thomas' opinion that those who are still growing are not bound to fast, and that in general the period of growth lasts till the completion of the twenty-first year, has prevailed. Exemptions in favor of workmen and

others were soon admitted, and toward the close of the Middle Ages dispensations from the law of fasting began to be granted. The Lenten indult is now an established custom.

The precept of abstinence from flesh meat which is still observed on Fridays is a survival of the obligation of fasting on that day which obtained in the primitive Church. As we have seen, the "Didaché" prescribed fasting on all Wednesdays and Fridays, and to this fast all the faithful except mere children and the sick were formerly bound. About the tenth century the obligation of the Friday fast was reduced to one of abstinence from flesh meat, and the Wednesday fast after being similarly mitigated gradually disappeared altogether.

While in the East Saturday was observed as a festival in honor of the creation,¹ at Rome and in other Churches of the West it began in early times to be observed as a fasting day. On account of the difference of discipline on this point great difficulties arose in the fourth century, as we know from the correspondence of St. Augustine and St. Jerome. St. Ambrose said that he kept festival on Saturday when he was at Milan and a fast when at Rome, and he advised St. Augustine to follow the same rule. About the eleventh century the Saturday fast was reduced to an obligation of abstinence, and this is the common law of the Church to-day, but many countries are dispensed from its observance. A dispensation from abstinence on Saturdays, the feast of St. Mark, and on Rogation Days was granted for England by a rescript of Propaganda, May 29, 1830.

The Sundays in Lent were never observed as fasting

¹ Apostolic Constitutions, vii. 23.

days, but they early became days of abstinence as they are to this day, though usually a dispensation is granted to eat meat on them.

Annual confession and communion was first made a positive universal law of the Catholic Church in the Fourth Lateran Council (1215). As we know from the Gospel of St. John ¹ both confession and communion were prescribed by Our Lord, but He determined neither precept in detail. The practice of the different Churches in the early ages was various in respect to both precepts. We will first trace in outline the history regarding the precept of annual communion.

From the earliest times, as we have seen, Mass was celebrated for the assembled faithful on Sundays, and all who were present appear to have received holy communion. In some places it was the practice for the faithful to take home with them consecrated particles and communicate themselves therewith out of Mass. Many at Rome, in Spain, and in Africa received communion daily. This was a common practice at the end of the fourth century, as we learn from the letters of St. Jerome and St. Augustine. The latter interprets the daily bread for which we ask in the Lord's Prayer as holy communion. The Council of Agde (506) decreed that those who did not communicate at least on the feasts of the Nativity, Easter, and Whit-Sunday were not to be reckoned as Catholics. In subsequent centuries this became a general rule in the Western Church; in the East, according to Theodore of Canterbury, the law was much stricter. The Greeks, he says, both laity and clerics, communicate every Sunday, and any one who omits to do so on three Sundays is excommunicated.

¹ John vi. xx.

A synod held 747 at Cloveshoe in England prescribed that innocent youths and those in whom years had cooled the ardor of passion should be exhorted to communicate very frequently. A synod held under St. Patrick in the fifth century decreed that the Eucharist was to be received at all events at Easter, and that any one who neglected this duty was not a member of the Church. Robert Pullen, an Englishman who wrote in the middle of the twelfth century, tells us that in his day some communicated more frequently, others less so, but that even laymen followed the rule of the Fathers and communicated at least three times a year. So that when the Lateran Council established the universal law that all who had come to years of discretion were bound to communicate at least at Easter, it made no new rule; it merely enforced by universal statute the least that was expected of any one who called himself a Catholic.

The precept of annual confession is intrinsically connected with that of Easter communion both in the Church's legislation and in its own nature. For, as the Catechism of the Council of Trent teaches,¹ the power of order, although primarily it refers to the consecration of the Eucharist, yet also comprises all that is necessary to dispose the faithful to receive the Eucharist worthily and profitably. It comprises, then, the power to forgive sins, inasmuch as no one who is conscious of mortal sin may receive holy communion without previous confession and absolution. The Council of Trent² teaches that the words of St. Paul, "Let a man prove himself," have always been understood in the Church of the necessity of sacramental confession and absolution before holy communion when there is con-

¹ Pt. ii, c. 7, q. 6.

² *Supra*, p. 106.

sciousness of mortal sin. The law of the Lateran concerning annual confession and communion is thus one law, confession being ordinarily a necessary preparation for holy communion in those who rarely communicate. That the Church always understood this is witnessed to by Alcuin in the eighth century,¹ by St. Leo in the fifth,² St. Augustine in the fourth,³ and St. Cyprian in the third.⁴ We have the same conjunction of confession and communion in the sentence of the "Didaché": "But on the Lord's day do ye assemble and break bread, and give thanks, after confessing your transgressions, in order that your sacrifice may be pure."⁵ In all probability the confession here spoken of should be interpreted as meaning sacramental confession to a priest. The Council of Trent, then, was justified in saying that before receiving holy communion it had always been considered a duty to go to confession when there was consciousness of mortal sin. In the fifth or sixth century a practice sprang up which was the forerunner of the Lateran law of annual confession. At the beginning of Lent public penance was imposed on those who had been guilty of great and notorious crimes. In some of the Penitential Books⁶ the priest is bidden to invite all who are conscious of mortal sin, and even all who by any sin whatever have soiled their baptismal robe, to make humble confession to their own priest on Ash Wednesday, and accept the penance enjoined according to the canons. If there was any special reason for granting absolution at once, that was done,

¹ De Psalmorum Usu, P. L. C. i. 499.

² Epist. 108, P. L. liv. 1011.

³ Sermon. 278, P. L. xxxviii. 2273.

⁴ Epist. 10, P. L. iv. 254; Epist. 11, ib. 257; De Lapsis, xvi. ib. 479.

⁵ C. xiv.

⁶ Schmitz, Bussbücher, i, 775.

otherwise absolution was deferred till Maundy Thursday when, the penance having been performed, the penitent was absolved and admitted to communion. This was a mitigation of the earlier discipline of some Churches, especially in the East, according to which public penance sometimes lasted for years.¹ The name of Shrove Tuesday, and the custom of receiving ashes on the head on Ash Wednesday, still remind us of the old discipline of the Catholic Church. It was natural, then, that when the Church made it obligatory on all to receive holy communion at least every Easter, it should also impose the obligation of annual confession. The law indeed does not indicate Easter as necessarily the time for the annual confession, but in practice it follows the time for the annual communion. Originally the annual confession had by law to be made to the parish priest or to the Bishop of the penitent, but for centuries it has been lawful to make it to any priest who has approbation for hearing confessions in the place.

The faithful are bound by natural and divine law according to the teaching of St. Paul² to contribute to the support of their pastors. For some centuries the revenues of the Church derived from the offerings of the faithful and from other sources constituted one fund, and this was administered by the Bishop. The support of the poor, the maintenance of public worship, as well as the support of the clergy and other needs were all supplied from the common fund. According to a decretal of Pope Gelasius (501) the Church revenues were to be divided into four portions, one for the Bishop, another for the clergy, a third for the relief of the poor and strangers, the fourth for the

¹ Duchesne, *Christian Worship*, p. 435.

² 1 Cor. ix, Gal. vi. 6.

Church fabrics. In his celebrated answers to St. Augustine, Gregory the Great tells the first archbishop of Canterbury that as he was a monk he did not need a separate portion, and should be content to share in common with his clergy. For several centuries no positive law of the Church was needed to compel the faithful to do their duty in this matter. The Fathers who occasionally urge the obligation are content to appeal in support of it to the teaching of St. Paul or to the law of tithes under the Mosaic dispensation. The Penitential attributed to St. Theodore enjoins that the custom of the province should be observed relative to contributions to the Church, but that the poor were not to be subjected to violence for the sake of tithes or other matters. Positive ecclesiastical laws, however, began to appear both on the continent and in England in the eighth century. Thus the seventeenth article of the legatine council held in England by the authority of Pope Adrian I (785-787) contained the following provision: "Wherefore also we solemnly lay upon you this precept, that all be careful to give tithes of all that they possess, because that is the special part of the Lord God; and let a man live on the nine parts, and give alms." At first there was some variety in the appropriation of tithes, but when the parochial system was introduced, between the tenth and thirteenth century, the appropriation of tithes to the parish priest became the settled rule. In modern times, at least in English-speaking countries, the offerings of the faithful constitute almost the only source of Church revenues as they did in the early ages of Christianity, and their apportionment and distribution are regulated by special laws.¹

¹ Constitution of Leo XIII, *Romanos Pontifices*.

As marriage was raised to the dignity of a sacrament by Christ our Lord, and the Church alone has jurisdiction over the administration of the sacraments, it follows that Christian marriage is subject exclusively to the laws of God and of the Church. There are several passages in the Epistles of St. Paul ¹ which show that the Church was conscious of her authority in this matter, and that she used it from the earliest times. St. Ignatius in his letter to St. Polycarp says that it is proper that Christians should contract marriage according to the judgment of the Bishop, and Tertullian asserts that marriages which were contracted without being previously notified to the Church were in danger of being considered as no better than adulteries and fornications. The history of the many laws relating to Christian marriage is too large a subject to be treated here even in outline. We will confine ourselves to the impediments of consanguinity and close time.

The natural and divine law prohibits marriage in the first degree of the direct line, and most probably in all degrees indefinitely in the same line. In the collateral line, also, it most probably forbids marriage at least in the first degree. With respect to further degrees in the collateral line the Church adopted the Mosaic legislation, and there are no traces of her having exercised further the independent power which she certainly possessed to enlarge or restrict the limits of kindred before the fourth or fifth century. The Council of Epaon (517) forbade marriages between second cousins, Gregory II (721) prohibited marriage with relations in general, and from the eighth to the elev-

¹ 1 Cor. v, vii; 2 Cor. vi. 14.

enth century the prohibition was extended to the seventh degree according to the canonical mode of reckoning. The fourth Council of Lateran (1215) restricted the prohibition to the fourth degree, and this law still remains in force.

As the solemn celebration of marriage is not in keeping with penitential exercises, a council of Laodicea in the fourth century forbade the celebration of marriage during Lent. Subsequently the solemnization of marriage was forbidden from Septuagesima Sunday till the octave of Easter, during three weeks before the feast of St. John Baptist, and from Advent till after the Epiphany. There was a dispute as to the three weeks before the feast of St. John Baptist, and Clement III, at the end of the twelfth century, decided that the period was to be interpreted as extending from the Rogation Days till the Sunday after Pentecost. The Council of Trent¹ decreed that close time for the solemnization of marriage was to extend from Advent till after the Epiphany, and from Ash Wednesday till after Low Sunday, and this is the modern discipline.

We must not leave this first period in the history of Moral Theology without saying something about the Penitential Books which began to appear in the sixth century and subsequently became very numerous. They were intended as a help to Bishops and priests in their duty of imposing canonical penances on sinners and reconciling them to God and the Church. At first they were little more than lists of sins with the appropriate canonical penance annexed to each sin. The quality and length of penance assigned were

¹ Sess. xxiv, c. 10.

derived from the councils or from the canonical letters of St. Basil, St. Peter of Alexandria, St. Athanasius, and other Fathers of the Church. Afterward chapters were added containing short moral rules on a great variety of subjects, the method of receiving and dealing with penitents, and the method of reconciling them. They are of importance in the history of Moral Theology as furnishing a standard by which the malice of various transgressions was measured according to a great variety of circumstances. They fell into disuse with the gradual cessation of public penance in the Church.

SECTION II

The Scholastic Period

It is not possible to indicate any particular year when the scholastic period began. We may say that the patristic period closed with the death of St. Bernard, the last of the Fathers, in the year 1153. Many of the characteristics of scholasticism, however, and especially the application of philosophy to the exposition and defense of theology are conspicuous in the works of many of the Fathers. In their work, too, of systematizing theology the schoolmen had many predecessors among the Fathers, and especially St. John Damascene and St. Isidore of Seville. Nor is the common assertion that the Fathers favored Platonism while the scholastics adopted Aristotelianism quite warranted by facts. Clement of Alexandria especially, and other Fathers as well, were eclectic as philosophers, and borrowed what they thought was true from any and every source. Still we may for practical purposes say that scholasticism began in the twelfth century. Then it was

that the growth and development of theology began afresh. It had been interrupted for seven hundred years by the necessity of civilizing the barbarians who had broken up the Roman Empire and settled in its territories. From this time moral theology has come down to us in two distinct channels. Peter Lombard may be looked upon as the fountain-head of the first stream, and St. Raymund of Pennafort of the second.

Peter Lombard wrote his work on the Sentences between the years 1145 and 1150. He therein treats of the whole of theology, both dogmatic and moral. He wished to counteract the rationalizing tendencies which as a pupil of Abelard he had noticed in the schools of Paris. To the various and erroneous views which the spirit of rationalism had introduced, Peter opposed the traditional doctrine handed down in the writings of the Fathers. After much consideration, as he tells us, he found a guiding principle for the distribution and ordering of the subject-matter of theology in a sentence of St. Augustine. Christian revelation, contained in the Holy Scriptures, has for its subject-matter either things or signs. Under signs come the sacraments, and things are either such as we have fruition of, or such as we use, or such as we both use and enjoy by fruition. Under the first head comes God, one in nature and three in person. Under the second come all created things, the angels, man, his end, fall, and redeeming grace. Under the third, the incarnation, faith, hope, charity, the seven gifts of the Holy Spirit, the Ten Commandments. The whole matter of theology is thus systematically arranged in four Books. Each Book is divided into Distinctions, devoted to some special point on which the traditional doctrine is laid down by quoting appropriate extracts (*Sententiæ*) from the

works of the Fathers. Apparent or real differences of opinion are noted and as far as possible reconciled with each other. Although Hugo of St. Victor, Robert Pullen, and other theologians had previously composed similar books of Sentences, yet the work of Peter Lombard soon eclipsed them all in the welcome that it received. It remained the recognized textbook of theology until the end of the sixteenth century, when its place was taken by the "Summa" of St. Thomas. Nearly all the great scholastics wrote Commentaries on the "Sentences" of Peter Lombard, developing, illustrating, defending, and sometimes correcting the doctrine which they found there, especially from the speculative point of view. In these Commentaries and in the Summas of scholastic theology we have a most abundant and valuable source of the speculative side of Christian ethics.

To meet the more practical and concrete needs of the confessor, St. Raymund of Pennafort composed his "Summa de Pœnitentia et Matrimonio," about the year 1235. He, also, merely collected and systematized the abundant material which had been left by his predecessors. He had no more intention of introducing changes into the traditional doctrines of Christianity than had Peter Lombard. But as his aim was not speculative but practical, he drew his material especially from Gratian's "Decretum," from the decisions of Popes and the councils of the Church, as well as from the Fathers. The work "De Pœnitentia" is divided into three Books. In the first Book sins against God are treated of, in the second sins against one's neighbor, and in the third irregularities, dispensations, purgations, sentences, penances, and remissions. Each Book is divided into Titles, which contain an orderly and logical exposition of some

particular subject. Thus in the first title on *Simony*, the sin is defined, the origin of the name is explained, the different kinds of simony are indicated, with the penalties incurred and the dispensations which may be obtained. Then follows a discussion of doubtful questions and cases. Finally some rules of law on the matter are laid down and explained.

The work of St. Raymund was the first of those innumerable handbooks written for the training and use of the confessor especially from the practical and casuistical point of view. Although in the treatment of the different titles the work of St. Raymund leaves little to be desired, yet it lacks something in orderly arrangement and in completeness. These defects were soon made good by others. A Friar Minor, of Asti, in the north of Italy, composed the "*Summa Astensis*" in the year 1317. In the Roman edition of 1728 it fills two volumes folio, and in its aim, in the matter which it contains, and in the method of treatment, it differs little from the handbooks of moral theology which are published at the present day. The matter is divided into eight Books. The first Book treats of divine and human law and contains the doctrine of the Ten Commandments. The second treats of virtues and vices, beginning with several titles devoted to human acts, voluntary and involuntary actions, to expounding in what the goodness or malice of actions consists, and merit. The cardinal and theological virtues and the sins opposed to them are explained in detail. The third Book contains the doctrine on contracts and last wills; the fourth that on the sacraments in general, and on Baptism, Confirmation, and the Holy Eucharist. The treatise on Penance and Extreme Unction in the fifth Book contains also the doctrine on prayer, fasting, almsdeeds, restitution,

and indulgences. That on Orders in the sixth Book treats also of churches and sacred vestments, ecclesiastical burial, parishes, prebends, tithes, of the various grades of the clergy and of religious and their obligations. Censures and ecclesiastical penalties occupy the seventh, and Matrimony the eighth Book.

The dogmatic treatment of moral theology reached its high-water mark in the second part of the "Summa" of St. Thomas of Aquin. That marvelous production of genius has never been surpassed or even equaled as an exposition of the general principles of Christian ethics. Neither has the casuistic treatment of morals in general made much progress since the thirteenth century. Of course there have been numerous changes in discipline during the last six centuries, and these require to be noted in new moral treatises as they occur. There have also been some changes in theological opinion. As an illustration of such a change we may instance that concerning the use by superiors of knowledge gained from confession. St. Thomas and scholastic theologians commonly held that a superior who knew from confession of a dangerous occasion of sin to one of his subjects might use his authority to remove his subject out of the danger, provided that thereby he violated no principle of justice nor made known to others the sin which had been confessed to him. This opinion is now quite obsolete and it has been virtually condemned by the Holy See.¹ But in spite of some such changes in detail, the general assertion remains true that moral theology to-day is substantially what it was in the thirteenth or at the beginning of the fourteenth century.

¹ *Supra*, p. 232.

There is, however, one important exception to this general statement. That exception is due to the express formulation at the end of the sixteenth century of the doctrine of probabilism.

We must, however, be on our guard against exaggerating the importance of probabilism and confounding it with moral theology in general. After all, probabilism is only concerned with the solution of doubtful questions. There is an immense body of moral doctrine which is certain and where probabilism or other similar theory of morals does not enter. There are also, it must be confessed, many doubtful questions, especially connected with the application of general rules to particular cases, and it is in the solution of these doubtful and disputed questions that probabilism is concerned. All Catholic divines state or take for granted the doctrine that it is sinful to act with a doubtful conscience, without making up one's mind that the action which is contemplated is morally right. This is the teaching of Holy Scripture: "All that is not of faith," *i.e.* done with the conscientious conviction that it is right, "is sin," says St. Paul.¹ But if this be so, what are we to do in doubtful matters, where perhaps divines themselves disagree, and some teach that an action is right, while others assert that it is wrong? In such cases we can only act, according to the doctrine of St. Paul, if we are able to make up our mind that the action is lawful and honest. How can this be done?

Before the close of the sixteenth century, when Bartholomew à Medina published his "Exposition" on St. Thomas, there was no commonly recognized method for forming one's conscience in doubtful matters. The

¹ Rom. xiv. 23.

"Summa Astensis" devotes the last title of the second Book to the subject of "Perplexities of Conscience." The author distinguishes perplexities of law from perplexities of fact. The former, he says, occur when there are two apparently contrary opinions about the lawfulness of an action, the latter when a man believes that in avoiding one sin he must perforce commit another. He has much to say about perplexities of fact, but about perplexities of law, which alone concern us here, he simply observes that they can be removed in whatever state a man may be, but he does not tell us how this may be done. He refers indeed to Alexander of Hales, who wrote before St. Raymund of Pennafort, and who in the article of his "Summa" devoted to the subject of "Conscience" tells us that a perplexity of law is to be removed by the unction of the Holy Spirit, who teaches concerning all things.¹ St. Raymund gives a more satisfactory rule and says shortly that a perplexity arising from a difference among Doctors is to be solved by reducing the contrary opinions to agreement, for there is no real but only apparent contradiction in law. This puts us on the right track; it tells us that for the solution of doubtful cases the theologians of the time followed the ordinary rules of legal interpretation, the chief among which was the rule of law which guided Gratian in the composition of the "Decretum" and Peter Lombard in his work on the Sentences, and which the Roman lawyers had expressed by saying that it is meet to make one law agree with another — *Conueniens est jura juribus concordare*.²

Although this was the chief rule of law to be followed when authorities differed, it was by no means the only one.

¹ Summa, ii, q. 120.

² L. unica, C., de inofficiosis dotibus.

Later authors, such as Angelus de Clavasio (1480), Sylvester Prierias (1516), and Navarrus (1560) give lists of the different rules of law to be applied to the solution of doubtful cases in different circumstances. We may take them from Navarrus, as they are substantially the same in all the authorities of the time. When there are different opinions among Doctors, says Navarrus in effect, that opinion should be preferred which is confirmed by custom, or grounded on a text of law, or which rests on an invincible argument. If none of these rules serves, then the common opinion should be followed, and that may be called a common opinion which six or seven approved authors adopt, though there may be fifty others who blindly follow each other like sheep against it, for weight and not number is mainly to be considered in such questions. If that rule does not suit the case, then the opinion should be chosen which is backed by more numerous authorities and reasons; then that which is more lenient, or which favors marriage, a last will and testament, liberty, a private individual against the State, the validity of an act, or the defendant in an action at law. If in none of these ways one opinion is better than the other, then that should be adopted which the greater number of theologians follow if the matter belong to theology, or canonists if it belong to canon law, or civilians if it belong to civil law. To these rules Navarrus adds the note that in the forum of conscience it is sufficient to choose as true the opinion of a man of virtue and learning.¹

Sylvester Prierias tells us that all were agreed that when Doctors differed, a man might follow the opinion of one Doctor even though he was drawn to follow him by affection

¹ *Manuale confessoriorum*, c. 27, n. 288.

without subtle investigation into the grounds on which his opinion rested.

While the Fathers of the Church, such as Gregory Nazianzen, and the schoolmen with St. Thomas solved particular cases of doubt in favor of liberty by applying the rule of probabilism that a doubtful law cannot impose a certain obligation, yet up to the time of Medina it was commonly held that in doubtful cases a man was bound to follow the opinion which seemed to him the bettergrounded or the more probable. The Dominican Bartholomew à Medina (1577) was the first to show that if it were a question of obligation, not of mere counsel, this was illogical. The more probable opinion may be the safer and better opinion, but we are not usually bound to take the safer or better way; we are at least allowed to take that which is good and safe. And a probable opinion is safe, for good and wise men see no sin nor danger of sin in it, else it would not be probable. So that a probable opinion may be followed even by one who knows and holds that the contrary opinion is more probable.

By these and other arguments Medina put probabilism on a firm basis, and the doctrine was at once received on all hands. It was the logical deduction from principles which all admitted, and so theologians of all schools accepted it at once, though some of them do not seem at first to have realized its far-reaching consequences. Dr. Hall, who published his work "*De Quinquupartita Conscientia*" in 1598, accepted and defended the new principle, but he placed it side by side with the older methods of forming one's conscience which he copied from Navarrus. Of these methods he remarks that they are so many different ways of forming a probable opinion. He did not fully realize, as

it seems, that the new principle was universal, and rendered the use of the old rules to a great extent unnecessary in the forum of conscience. The same may be said of Azor, who published the first volume of his "Institutiones Morales" in the year 1600. Other theologians, however, such as Vasquez, Suarez, Salon, Laymann, soon realized the significance of the new method, and proceeded to explain, develop, and on certain points to limit its application. It was seen that it can only be applied where the sole question is whether an act is sinful or not; it may not be applied where an end must be attained and may not be placed in jeopardy, or where the validity of an act is in question, or where there is question of the certain right of another.

SECTION III

The Modern Period

Almost the whole modern period from the opening of the seventeenth century is occupied with the controversy about the right system of moral theology. Modern research has confirmed the historical accuracy of the account of the origin of this dispute which Fr. Antony Terill or Bonville prefixed to his work "Regula Morum," published in 1676. Fr. Terill, S. J., was a learned and acute theologian who taught theology at the English College of the Society at Liège, now represented by Stonyhurst and St. Beuno's. Besides his "Regula Morum" he published another work, "De Conscientia Probabili," in 1668. He was a good and conscientious man and had ample means of knowing the facts to which he testifies. According to Fr. Terill, until about the year 1638 practically all Catholic

theologians of all schools accepted and taught probabilism. The only exception was the not very notable Italian Jesuit Comitulus, who published his "*Responsa Moralia*" in 1608. Comitulus taught probabiliorism and attributed the doctrine of probabilism quite falsely, to what he calls the shameful lapse of Armilla. The opinion of Comitulus passed almost unheeded, and there was peace and comparative harmony in the schools of morals. This peace began to be broken when the friends of Jansen were planning the publication of his famous book "*Augustinus*." The first of the five propositions which were extracted from that book and condemned by Innocent X in 1653 asserted that there were some laws of God which could not be observed even by the just, do what they would, and that God did not give grace to enable them to observe these laws. This heretical and blasphemous proposition, which made God a tyrant who gave orders which He knew could not be obeyed, was altogether out of harmony with the prevailing system of moral theology, and its Jansenist supporters began to attack probabilism in order to make an opening for their own rigoristic doctrine. According to Caramuel, who was at Louvain at the time and who wrote a book against them in 1639, they began to teach covertly that the use of probabilism was something new; that he who leaves the safe way and follows probabilism can not but be condemned by God; that opinions which are styled probable among us are not probable with God. The war between probabilism and antiprobabilism had broken out, a war conducted with the greatest heat and passion for two hundred years, and not even yet quite ended. The Louvain Doctors after the condemnation of "*Augustinus*" by the Holy See retaliated by issuing their propositions against probabilism

in 1655. The strategy was the same as led Döllinger and Reusch to publish their work on "*Moralstreitigkeiten*," after the definition of Papal Infallibility. The war, however, was soon carried into France where Jansenism had won the support of a few proud spirits of the highest intellectual gifts. Among these Pascal was pre-eminent, and he struck the hardest blow which probabilism has ever sustained by publishing his "*Lettres Provinciales*" in 1656. The book is unfair and misrepresents the doctrines which it attacks, but its wit and style gave it at once a place in the classical literature of the world. It was condemned by Alexander VII at Rome in 1657, but by non-Catholics it is still regarded as the last word on the subject of Catholic and especially Jesuit moral theology.

Although the rise of Jansenism was the occasion of the outbreak of war, there were other causes also which contributed to the heat of the combat. Fr. Terill laments the disastrous laxity of opinion on moral questions which was conspicuous in many of the probabilist authors of the day. Many of these wrote books, not to expound the truth, but to attract attention to themselves and acquire notoriety. The means they employed for this purpose was the ventilation of new opinions in morals. By making use of the weak argument from similar cases they broached hitherto unheard of doctrines which were industriously collected by the casuists. The fact that somebody or other had said in his book that an opinion was probable and that it had not been condemned by the Holy See was held sufficient to merit for it a place among probable opinions in moral theology. Fr. Terill, himself a strenuous defender of probabilism, raised his voice against the inrush of laxity. He did much by his writings to improve the theory by

stating and explaining it more accurately than had been done hitherto. He insisted that in order to be accepted as a rule of conduct it was not sufficient that an opinion should have some slight degree of probability, or should only be probably probable; it should be well grounded, seriously and solidly probable in the judgment of experts, of men of virtue and learning. The common method of proving probabilism by saying that one who acts on a probable opinion acts prudently, was objectionable on the theoretical side, and Terill improved it by making use of reflex principles, such as, "A doubtful law is not promulgated and can not bind." This eminent English Jesuit thus tried to stem the tide of laxity in an age of immorality by stating the theory of probabilism more accurately and limiting its use to its proper sphere. Other theologians with the same laudable end in view threw probabilism overboard altogether. This was especially the case with the theologians of the great Order of St. Dominic. A member of this Order had first formulated probabilism, as we have seen, and, as Salon testifies, other Dominicans were conspicuous as being the first to accept and teach it. The most famous Dominican theologians of the time, Ledesma, Bañez, Alvarez, Ildephonsus, and others were all probabilists. No anti-probabilist Dominican was heard of till the year 1656. In that year a general Chapter of the Order was held at Rome and all the members were urged to adopt the stricter opinion in morals. From that time onward the chief Dominican theologians have almost without exception been probabiliorists. Among others are the well-known names of Mercorus, Gonet, Contenson, Natalis Alexander, Concina, Billuart, and Patuzzi, the adversary of St. Alphonsus Liguori.

From the strife of parties different moral systems began to emerge. Jansenist rigorism, which required direct moral certainty against the law to justify a departure from its observance, and which was not satisfied even with a most probable opinion in favor of the lawfulness of an action, was condemned by Alexander VIII in 1690. Laxism, which was satisfied with even a slightly probable opinion as a rule of conduct, had been condemned by Innocent XI in 1679. Probabiliorism and probabilism together held possession of the field. At the beginning of the eighteenth century a few theologians such as Amort, Rassler, and Mayr, defended equiprobabilism. This system required an opinion in favor of liberty to be equally probable with that in favor of the law before allowing it to be used as a rule of morals. It would not allow any one to follow an opinion in favor of liberty which was distinctly less probable than that which favored the law.

These three systems still have their defenders, and the last has acquired strength from the adhesion to it of St. Alphonsus in the later portion of his life. St. Alphonsus Liguori is recognized as the Doctor of moral theology as St. Thomas is of dogmatic. By his writings he drove out of the Church the last remnants of rigorism, and firmly established that common doctrine in moral theology which it has been the aim of the author to expound in these volumes. In spite, however, of general agreement, there are some points of detail which are still matter of controversy among moral theologians.

St. Alphonsus was ordained priest in 1726 when he was thirty years of age. He had been taught the probabiliorist system of morals, but in the course of fifteen years of study and experience in the confessional he came to the conclu-

sion that the system was false and harmful to souls. He then adopted probabilism, and mainly using recognized probabilist authorities, especially of the Society of Jesus, whom he acknowledged to be his masters in this branch of learning, he composed his chief work, the "Theologia Moralis." The first edition appeared in 1748, and a second and much enlarged edition was issued in 1753. In 1755 St. Alphonsus published an elaborate dissertation on probabilism in which he proved the doctrine and refuted the objections commonly brought against it. He became bishop of St. Agatha of the Goths in 1762, and published another dissertation in which he appeared to adopt a new system of moral theology. While admitting that it is lawful to follow a solidly probable opinion, he denied that when in favor of the law there is an opinion which is certainly and notably more probable than its opposite, this latter can be really and solidly probable. The question is one of fact. If this proposition be considered from the practical and concrete point of view, its practical truth may be admitted, and St. Alphonsus probably understood it in this sense. Furthermore, it may be admitted that the doctrine has its value in deciding when an opinion is solidly probable or not, and this was what St. Alphonsus intended. He wished to exclude laxism from his system, and he invented this formula for the purpose. Moderate probabilists secure the same end by stressing *solidly* when they require a *solidly* probable opinion for a lawful rule of action. Considered theoretically and logically, the formula of St. Alphonsus is open to attack, as it is not true that a greater probability, even if notable and certain, does necessarily deprive the opposite opinion of all solid probability. On this point there is still some difference of opinion between

simple probabilists and equiprobabilists, but the dispute has little to do with practical morals. The dissertation of St. Alphonsus was not inserted in the "Moral Theology" of the saint till it reached its sixth edition, and his change of formula made little change in the doctrine of his work. It remained substantially what it always had been — a great work on moral theology written by a moderate probabilist.

Moral theology is still what St. Alphonsus left it. There is general agreement in the schools, a common doctrine which all accept; it only remains to apply this to the social and political conditions which we see growing up around us.

In this modern period of moral theology the sufficiency of attrition without any strictly so-called initial charity on the part of the penitent as a proximate disposition for the remission of sin in the sacrament of Penance may be considered as established. The changed conditions in our modern capitalist society have had their effect on moral questions, for morality must always take account of altered circumstances. Perhaps the chief result in this direction is that a practical solution has been attained of the long controversy about the lawfulness of taking interest for a loan of money. The lawfulness of the practice is now admitted; the only moral question is concerning the amount which may be exacted. The doctrine of the just price is applicable here; money, like other commodities, has in our modern capitalist society its just price.

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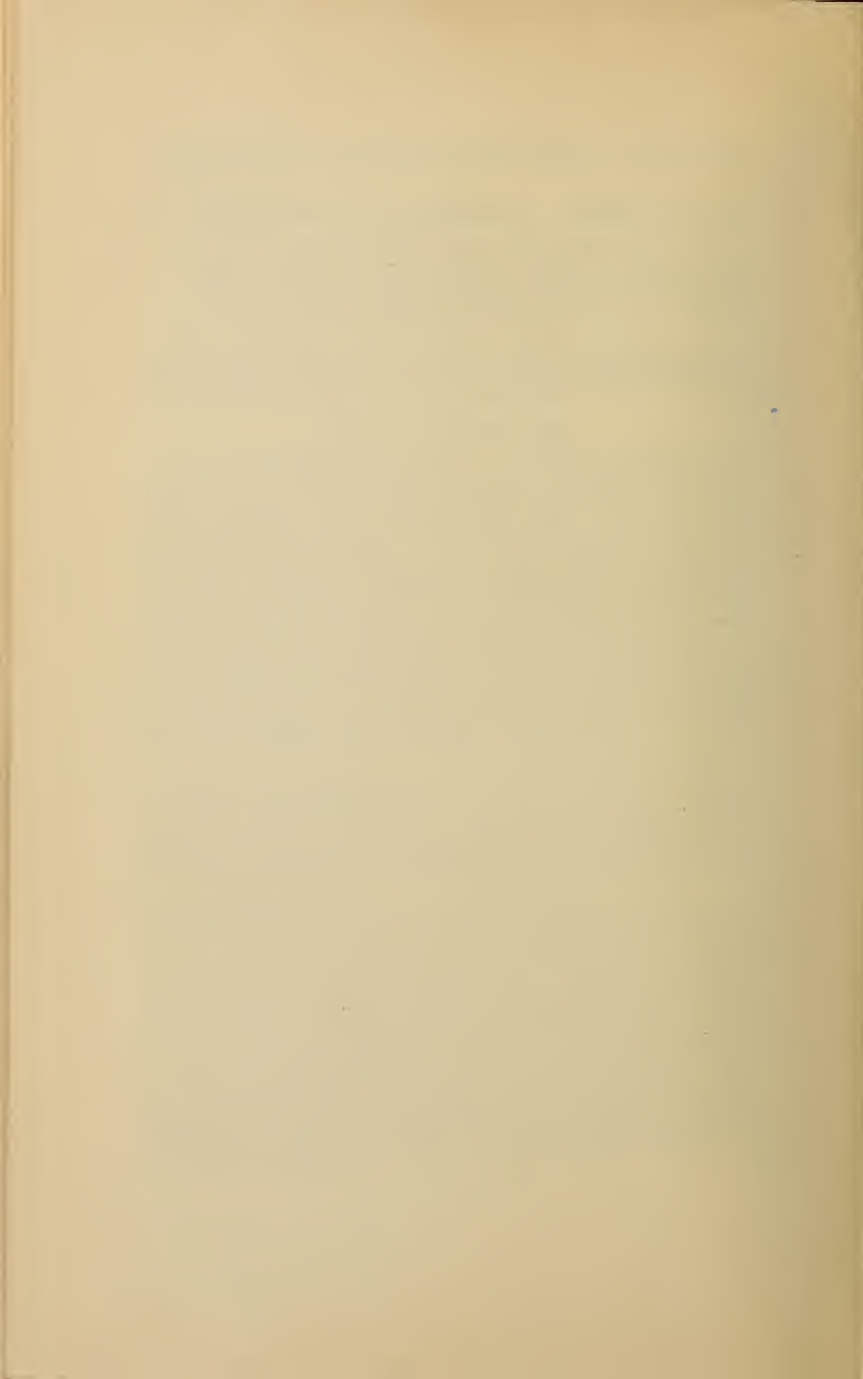
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